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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,821	11/25/2003	Andreas Wiesmuller	026970-007510US	9368
20350 7590 07/21/2008 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				
EXAMINER				
LEVINE, ADAM L				
ART UNIT		PAPER NUMBER		
3625				
MAIL DATE		DELIVERY MODE		
07/21/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10722821	11/25/2003	WIESMULLER ET AL.	026970-007510US

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**EXAMINER**

ADAM LEVINE

ART UNIT	PAPER
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3625

20080717

DATE MAILED:

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**Commissioner for Patents**

## Notice of Non-Responsive Amendment-Bona fide Attempt

The amendment filed on April 7, 2008, canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because the claims are now drawn to a data processing and communication method and computer program product comprising receiving subscription information from at least one user including an agreement to receive offers, and providing an offer not in response to a request, selection, or identification for a service.. The original claims were drawn to a data processing and communication method and computer program product comprising receiving a selection of a service offered by a provider, the service selected by the at least one user. These inventions are separate and distinct because the original invention comprised receiving a selection of a service selected by a user, while the new invention comprises receiving subscription information and providing an offer that is not in response to a request, selection, or identification for a service. Had these inventions been initially filed together, a requirement for election/restriction would have resulted.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

/Jeffrey A. Smith/  
Supervisory Patent Examiner, Art Unit 3625